

PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

31 MAR 2005

PCT

To:

ASTRAZENECA
Global Intellectual Property
SE-151 85 Sodertalje
SUEDE

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(PCT Rule 71.1)

CODE	DATE	NTD

ANKOM 29 MAR 2005 GIP

Date of mailing
(day/month/year) 24.03.2005

DATA
ENTERED
FINAL
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Applicant's or agent's file reference
101028-1 WO

IMPORTANT NOTIFICATION

International application No.
PCT/GB2004/001775

International filing date (day/month/year)
26.04.2004

Priority date (day/month/year)
29.04.2003

Applicant
ASTRAZENECA AB et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 101028-1 WO	FOR FURTHER ACTION		See Form PCT/PEA416												
International application No. PCT/GB2004/001775	International filing date (day/month/year) 26.04.2004	Priority date (day/month/year) 29.04.2003													
International Patent Classification (IPC) or national classification and IPC B01J19/02	<table border="1"> <tr> <td>CODE</td> <td>DATE</td> <td>29.04.2003</td> </tr> <tr> <td colspan="3">ANKOM 29 MAR 2005 GIPS</td> </tr> <tr> <td colspan="3">DATA ENTERED</td> </tr> <tr> <td colspan="3">FINAL</td> </tr> </table>			CODE	DATE	29.04.2003	ANKOM 29 MAR 2005 GIPS			DATA ENTERED			FINAL		
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FINAL															
Applicant ASTRAZENECA AB et al.															
<p>1. This report is the international preliminary examination report published by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>															
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>															
Date of submission of the demand 29.10.2004	Date of completion of this report 24.03.2005														
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Telephone No. +49 89 2399- 														

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/GB2004/001775

Box No. I - Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-8 as originally filed

Claims, Numbers

1-13 as originally filed

Drawings, Sheets

1/5-5/5 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/GB2004/001775

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Yes: Claims

No: Claims 1-13

Inventive step (IS)

Yes: Claims

No: Claims 1-13

Industrial applicability (IA)

Yes: Claims

No: Claims 1-13

2. Citations and explanations (Rule 70.7):

see separate sheet

**INTERNATIONAL PRELIMINARY
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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: EP-A-1 188 808 (DAIKIN IND LTD) 20 March 2002 (2002-03-20)

D2: DE 197 35 277 A (DEGUSSA) 18 February 1999 (1999-02-18)

2. The present application does not meet the requirement of Article 33(2) PCT for the following reasons:

D1-D2 disclose the use of polymer coated reactors for the manufacture of chemical or pharmaceutical compositions, the coating having non-sticking properties (see D1-D2: International Search Report). Although D2 does not explicitly disclose any pharmaceutical composition, this document is considered to disclose implicitly such compositions since it discloses in general chemical compounds which may be used as pharmaceutical compositions. Furthermore the problem addressed by D2 (reducing adhesion) is the same than the problem addressed by the present application; the solution being also the same (use of polymer coatings). Therefore the subject-matter of claims 1, 10 and 13 is not novel.

3. The technical features of claims 2-9, 11 and 12 are either known from D1-D2 or are considered to be merely one of several possibilities which the skilled person would select, in accordance with the circumstances, without the exercise of inventive skill. Consequently these claims do not meet the requirement of Article 33(3) PCT.

4. It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as meeting the requirements of Article 33(2)-(3) PCT an independent claim **including such matter** should be filed taking account of Rule 6.3 PCT.

The applicant should also indicate in the letter of reply **any difference** in term of concrete technical feature between the to-be-claimed subject-matter and the prior art and explain the significance thereof in term of inventive step, using the

**INTERNATIONAL PRELIMINARY
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problem-solution approach. In particular he should explain which **technical problem is solved** by the claimed subject-matter and/or which **surprising effect or advantage** is obtained therewith in view of **D1-D2**.

Additional observations

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in D1 and D2 is not mentioned in the description, nor is this document identified therein.
2. In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, the applicant is requested to clearly identify the amendments carried out, no matter whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see also Rule 66.8(a) PCT). If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.
3. The attention of the applicant is further drawn to the fact that the description should be **in conformity** with any amended claim as required by Rule 5.1(a)(iii) PCT.